GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Cooperation Department – Sri D.Subrahmanyam, SCDR/Assistant Accounts Officer (Retired) - Prosecution sanctioned for the irregularities committed by him along with others in Chittoor Coop Town Bank Limited, Chittoor, Tirupathi – Judgment of Hon'ble High Court in Criminal Revision case No.1128/2012, dt.3.11.2015 – Implemented – Further action dropped – Orders – Issued.

==========

AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.RT.No. 628 **Dated: 03-09-2016**
Read the following:-

1. Prosecution sanction orders of CC&RCS, AP.,Hyderabad Lr.Roc.No.27239/2003-UBII, dt.16.4.2008
2. Judgment of Hon'ble IV Additional Judicial Magistrate of 1st Class, Chittoor , Chittoor District , dt.30.12.2011 in Criminal Proceedings No.1304/2010 in CC No.20/2009
3. Hon'ble High Court orders dt. 3.11.2015 in Criminal Revision Case No.1128/2012.
4. From CC&RCS, AP.,Hyd.Lr.No.2390/2012/SG-2, dated 19.3.2016.

@@@

O R D E R:

In the reference 1st read above, Prosecution has been sanctioned against Sri. D.Subramanyam, the then SCDR/CEO ,Coop. Town Bank Ltd., Chittoor along with others for the irregularities committed by them and a charge sheet was also filed in CC No.20/2009 before the IV Additional Judicial Magistrate of 1st Class, Chittoor, Chittoor district .

2. The Hon'ble IV Additional Judicial Magistrate of 1st Class, Chittoor, Chittoor district in its Judgment dated .30.12.2011 which was filed against the prosecution orders found that the petitioner cannot be discharged from the charges and the petition was dismissed.

3. Sri D.Subrahmanyam, SCDR(Retd.) filed Criminal Revision case No. 1128/2012 before the Hon'ble High Court of AP questioning the correctness of the orders dt.30.12.2011 in Criminal Proceedings Nos.1304/2010 in CC No.20/2009 of the IV Additional Judicial Magistrate of First Class, Chittoor, Chitoor District . On discussion on various issues, the Hon'ble High Court of AP in its judgment ,dt.3.11.2015 observed as follows:-

> During the period in controversy ie., from September,1997 to September,2002 , two Chief Executive Officers have performed their duties viz., the petitioner herein (A13) and one T.Prasad (A14). The allegations against both the Chief Executive Officers are one and the same. Both of them are charge sheeted in the same criminal case ie., CCNo.20/2009. The non-petitioner /A14(T.Prasad), who was shown as one of the accused in C.C.Nos.20 to 24 of 2009 on the file of the IV Additional Judicial Magistrate of First Class, Chittoor, has filed Crl.P.Nos.5487, 5778, 5836, 5839 and 5843 of 2009 before the Hon'ble High Court under Section 482 Cr.P.C. to quash all further proceedings in the said Calendar Cases. The Hon'ble High Court by order dated 26.8.2009, allowed all the criminal petitions and quashed all further proceedings in C.C.Nos. 20 to 24 of 2009on the file of the IV Additional Judicial Magistrate of First Class, Chittoor against the non-petitioner/A14 , who is another Chief Executive Officer of the Bank. The allegation in so far as

(pto)

the petitioner /A13 is concerned is *pari materia* to one that fall for consideration before this Court in the previous proceedings. Both the accused, viz., the petitioner/A13 herein and the non-petitioner/A14 are alleged to have committed similar offences. When similarly placed accused has been discharged of the accusations and all further proceedings against him are quashed, I think that the petitioner/A13 herein, who is similarly placed , is also entitled to the same relief, lest it will amount to invidious discrimination.

In view of the above observations and in view of the specific findings of the AP Cooperative Tribunal, dropping surcharge proceedings and the Commissioner & Registrar of Cooperative Societies exonerating the petitioner/A13 of all the accusations, it is observed that criminal proceedings against the petitioner/A13 cannot be continued, and therefore, the order impugned was set aside.

Accordingly, the Criminal Revision Case was allowed and the impugned order of the Court below dated 30.12.2011 passed in Crl.P.No.1304/2010 in CC No.20/2009 was set aside , and the petitioner /A13 was discharged of the charges levelled against him."

4. Keeping in view the Judgment dt.3.11.2015 of Hon'ble High Court in CPC No.1128/2012 and after considering the proposal of the Commissioner for Cooperation and Registrar of Cooperative Societies, A.P. Guntur, Government. hereby drop further action against Sri D. Subramanyam, SCDR/Asst. Accounts Officer (Retired), fully exonerating him from the charges. The Commissioner for Cooperation and Registrar of Cooperative Societies, A.P. Guntur is directed to release all the pensionary benefits admissible to him under rules in force.

5. The Commissioner for Cooperation and Registrar of Cooperative Societies, A.P. Guntur shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

T. VIJAY KUMAR,
SPL. CHIEF SECRETARY TO GOVT. (AGRI.& COOP.)

To
The Commissioner for Cooperation and Registrar of Cooperative Societies,
A.P. Guntur .
Sri D.Subrahmanyam,SCDR(Retd.) through Commissioner for Cooperation and
Registrar of Cooperative Societies, A.P. Guntur
SC/SF

// FORWARDED BY ORDER //

SECTION OFFICER